



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MAP/166046

PRELIMINARY RECITALS

Pursuant to a petition filed May 14, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on June 30, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether this appeal is timely as to a request to backdate Medicaid Purchase Plan (MAPP) eligibility.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Simone Johnson
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for Medicaid benefits in March 2012. He was found Medicaid eligible effective April 1, 2012 with a deductible of \$9364.98. A Notice of Decision was sent to Petitioner at the above address informing him of the deductible. Hearing instructions were noted in the Notice

and Petitioner did file an appeal with the Division of Hearings and Appeals on April 16, 2012 (Case # [REDACTED]).

3. Division of Hearings and Appeals records show that a hearing was scheduled for case # [REDACTED] but Petitioner did not appear. He requested a rehearing; the rehearing request was granted and a new hearing scheduled for July 3, 2012. Petitioner did not appear and the case was dismissed on July 5, 2012.
4. Petitioner reapplied for Medicaid in August 2014. That application was denied for failing to verify and Petitioner so notified by a Notice of Decision dated August 22, 2014. That notice does contain appeal instructions. No appeal was filed.
5. Petitioner reapplied for Medicaid in October 2014. That application was denied as Petitioner was determined to be over the Medicaid income limit. A Notice of Decision, dated October 31, 2014, notified Petitioner of the denial. Appeal instructions are noted in the Notice as well as a December 16, 2014 appeal deadline.
6. A December 17, 2014 Notice of Decision also indicates a denial of Medicaid due to income and includes appeal instructions.
7. Petitioner reapplied for Medicaid and Medicaid Purchase Plan (MAPP) benefits in January 2015. That application was ultimately approved with eligibility beginning March 1, 2015. He was sent a March 13, 2015 Notice of Decision that informed him of the March 1, 2015 eligibility date. It contained appeal instructions that note an April 28, 2015 appeal deadline.
8. All notices described above were sent to Petitioner at the above address.
9. Petitioner filed this appeal with the Division of Hearings and Appeals on Thursday, May 14, 2015. He seeks backdated MAPP eligibility to July 2014 based on the October 2014 application.

DISCUSSION

Petitioner maintains that he was not informed by the agency of the MAPP program and should have been. He seeks backdated MAPP eligibility to at least July 2014.

By way of background - the Medicaid Purchase Plan (MAPP), part of the Wisconsin Medicaid Program, allows disabled people who are working or want to work to become or remain Medicaid eligible because of higher income limits. *Medicaid Eligibility Handbook (MEH)*, §26.1. There are both financial and nonfinancial eligibility criteria that must be met. *MEH*, §§26.3 & 26.4. In general, a person can be eligible for MAPP if his/her countable income is less than 250% of the federal poverty level - for one person \$2452.08. See, *Medicaid Eligibility Handbook*, §26.4.2; §39.5. Petitioner's income is under the gross income limit. However, persons with gross income in excess of 150% of the federal poverty level must pay a monthly premium. *MEH*, §26.5.1. Finally, an approved application can be approved for up to three months if a person is eligible and pays the premiums for those backdated months. *Id.*, §26.2.1.

In order to be timely an appeal to the Division of Hearings and Appeals of a Medicaid issue, it must be filed within 45 days of the date of the agency action. *Wis. Stats.*, §49.45(5). This appeal was filed well after the April 28, 2015 appeal deadline and that is only the most recent of the various appeal deadlines noted. This appeal is not timely. The Division of Hearings and Appeals has no legal authority to act if an appeal is untimely.

CONCLUSIONS OF LAW

That Petitioner's appeal is untimely.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 4th day of September, 2015

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on September 4, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability